



Department of
Human Resources

POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-055 (Rev. 8/17)
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 12-055
Application: All Executive Branch Employees	Effective Date: June 1, 2015
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-105	Rule: Chapter 1120-14

Subject:

Tennessee Employee Mediation Program

It is the policy of the State of Tennessee to encourage the use of mediation as a valuable tool for all state employees to resolve workplace issues. Mediation is a process whereby the parties themselves, with the assistance of a third party neutral, seek to develop and agree upon solutions to issues in the workplace. The primary purpose of the Tennessee Employee Mediation Program ("the Program") is to provide a responsive, informal, confidential, and effective means of resolving human resource issues. Access to mediation services is available to any employee in the state service as a voluntary means of resolving workplace issues that are eligible for mediation as set out in the Rules of the Department of Human Resources Chapter 1120-14.

Process and Procedure

- (1) To commence the mediation process, an employee submits a request to the Tennessee Employee Mediation Program Coordinator ("Program Coordinator") on the Request for Mediation form provided by the Department. The Request for Mediation may be submitted to the Coordinator by facsimile, email, or regular mail. The Request to Mediate is not confidential. The Program Coordinator will be responsible for confirming receipt of the Request for Mediation in order to obtain consent to the mediation process. Upon receipt of the Request, the agency's human resource office and the individual whose consent is necessary for mediation will be notified. If consent to mediate is obtained from the individuals involved and the office of the Program Coordinator otherwise considers the

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Request appropriate for mediation under the Rules of the Department of Human Resources, Rule 1120-14, the parties will be notified of such. If consent is not obtained or the Program Coordinator considers the matter inappropriate for mediation, the requesting party will be so notified. This approval process shall be completed within seven (7) business days of receipt of the Request for Mediation.

- (2) The Program Coordinator will make every effort to schedule the mediation within fourteen (14) business days of completion of the approval process. The Program Coordinator will also make every effort to schedule the mediation at a time and place that is mutually convenient to the parties involved in the mediation. The Program Coordinator will be responsible for selecting and assigning approved Tennessee Employee Mediation Program mediator(s) to matters eligible for mediation within seven (7) business days of scheduling the mediation. There is a preference by the State, when possible, to assign co-mediators; however, the use of co-mediators is not required for a mediation to take place. The Program Coordinator will ensure that no mediators serve in any case involving a workplace issue in the same department or agency for which the mediator is currently employed, unless specifically requested by the parties.
- (3) Upon being assigned, the mediator(s) will receive a copy of the Request for Mediation and any attachments in order to prepare for mediation.
- (4) Upon convening the mediation, the parties shall execute an Agreement to Mediate which shall become part of the mediation file upon execution. Either party or the mediator may voluntarily withdraw from the mediation at any time, or at any stage in the process.
- (5) Any mediated settlement agreement shall be approved by the parties' Appointing Authority or his/her designee and is binding on the parties. Copies of the settlement agreement will be provided to both parties and to the Appointing Authority or his or her designee. Original copies of the settlement agreement will be kept on file with the Program Coordinator.

Questions regarding this policy may be directed to the Office of General Counsel.